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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re *Ex Parte* Application of:) CASE NO.: 5:23-mc-80322 (EJD)
IN RE: CONSUMERS' ASSOCIATION) (Consolidated)
LITIGATION)
) STIPULATION AND PROPOSED ORDER
) EXTENDING DEADLINE TO MOVE TO
) QUASH OR RESPOND TO SUBPOENAS
)
) Judge: Hon. Edward J. Davila
)
)

Pursuant to Local Civil Rules 6-2 and 7-12, applicants Consumers' Association ("Which") and Qualcomm Incorporated ("Qualcomm") and respondents Apple Inc. ("Apple"), Samsung Semiconductor, Inc. ("SSI"), and Samsung, Electronics America, Inc. ("SEA," and together with SSI, the "Samsung Entities") hereby stipulate as follows:

WHEREAS, on December 7, 2023, Which commenced the above-captioned miscellaneous proceeding (the “Which 1782 Proceeding”) seeking discovery pursuant to 28 U.S.C. § 1782 (“Section 1782”) from Apple, as well as the Samsung Entities, in connection with a lawsuit (the “U.K. Action”) that Which commenced against Qualcomm before the Competition Appeal Tribunal of the United Kingdom, *see* Dkt. No. 1;¹

¹ References to a “Dkt. No.” refer to the ECF numbers in the above-captioned, consolidated

1 WHEREAS, on January 23, 2024, the Court entered an *ex parte* order in the Which 1782
2 Proceeding authorizing Which to serve subpoenas on Apple and the Samsung Entities, without
3 prejudice to any argument that may be raised in a motion to quash, and requiring Apple and the
4 Samsung Entities to file any such motion within 30 days of service or notice of the subpoenas and
5 this Court's January 24, 2024 order, *see* Dkt. No. 21 at 7;

6 WHEREAS on January 25, 2024, Apple received a copy of Which's subpoena and this
7 Court's January 23, 2024 order;

8 WHEREAS, on January 29, SSI received, but was not served with, a copy of Which's
9 subpoena and SEA was served with Which's subpoena on February 2, 2024;

10 WHEREAS SSI served written objections to Which's aforementioned subpoena on
11 February 12, 2024, and SEA served written objections to Which's aforementioned subpoena on
12 February 13, 2024.

13 WHEREAS, on February 23, 2024, Which served SSI with Which's subpoena, and also
14 reserved SEA with Which's subpoena;

15 WHEREAS SSI and SEA served amended written objections and responses to Which's
16 subpoenas on March 8, 2024;

17 WHEREAS, on January 26, 2024, Qualcomm commenced a separate miscellaneous
18 proceeding captioned *In re Ex Parte Application of: Qualcomm Incorporated*, No. 5:24-mc-80019
19 (N.D. Cal) (the "Qualcomm 1782 Proceeding" and, with the Which 1782 Proceeding, the "1782
20 Proceedings") seeking discovery pursuant to Section 1782 from Apple and the Samsung Entities
21 in connection with the U.K. Action, *see* Qualcomm Dkt. No. 1;

22 WHEREAS, on February 7, 2024, the Court entered an order relating the 1782 Proceedings
23 pursuant to Local Civil Rules 3-12 and 7-11, *see* Which Dkt. No. 24; Qualcomm Dkt. No. 13;

24 WHEREAS, on February 9, 2024, this Court entered an *ex parte* order in the Qualcomm

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26 Which 1782 Proceeding. References to a "Qualcomm Dkt. No." refer to the ECF numbers in the
27 Qualcomm 1782 Proceeding, as defined herein.

1 1782 Proceeding authorizing Qualcomm to serve subpoenas on Apple and the Samsung Entities,
2 without prejudice to any argument that may be raised in a motion to quash, and requiring Apple
3 and the Samsung Entities to file any such motion within 30 days of service or notice of the
4 subpoena and this Court's February 9, 2024 order, *see* Qualcomm Dkt. No. 14 at 6;

5 WHEREAS, on February 15, 2024, Qualcomm served a subpoena and a copy of this
6 Court's February 9, 2024 order on Apple;

7 WHEREAS, on February 16, 2024, Qualcomm served subpoenas on SSI and SEA, along
8 with a copy of this Court's February 9, 2024 order;

9 WHEREAS SSI and SEA served written objections to Qualcomm's subpoenas on March
10 1, 2024.

11 WHEREAS, on February 16, 2024, this Court entered a stipulated order in each of the 1782
12 Proceedings setting April 3, 2024 as the deadline for the Samsung Entities to move to quash the
13 subpoenas that Which and Qualcomm were authorized to serve on them, *see* Which Dkt. No. 30;
14 Qualcomm Dkt. No. 18;

15 WHEREAS, on February 21, 2024, this Court entered an order in each of the 1782
16 Proceedings granting Apple's motion to stay the deadline for Apple to respond to the subpoena
17 that Which delivered to Apple, and ordering that Apple "need not move to quash, respond to or
18 comply with" that subpoena "until April 3, 2024," *see* Which Dkt. No. 32; Qualcomm Dkt. No. 20;

19 WHEREAS, on March 15, 2024, this Court entered a stipulated order in the Qualcomm
20 1782 Proceeding setting April 3, 2024 as the deadline for Apple to move to quash or respond to
21 the subpoena that Qualcomm served on Apple, *see* Qualcomm Dkt. No. 22;

22 WHEREAS, on March 28, 2024, this Court consolidated the 1782 Proceedings pursuant to
23 pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, and ordered that all papers to be
24 filed in the consolidated actions shall be filed in the above captioned-miscellaneous proceeding;

25 WHEREAS, Which, Qualcomm, Apple, and the Samsung Entities wish to extend the April
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3, 2024 deadline for Apple and the Samsung Entities to move to quash or respond to Which's and Qualcomm's subpoenas in order to continue exploring whether a compromise can be reached that would obviate the need for a motion to quash; and

WHEREAS, Which, Qualcomm, Apple, and the Samsung Entities wish to set April 24, 2024 as the deadline for Apple and the Samsung Entities to move to quash or respond to Which's and Qualcomm's subpoenas in order to align all parties' motion-to-quash deadlines in the 1782 Proceedings and thereby allow an opportunity for efficient briefing of any motions to quash.

NOW THEREFORE, WHICH, QUALCOMM, APPLE, AND THE SAMSUNG ENTITIES HEREBY STIPULATE, subject to the approval of this Court, that April 24, 2024 is the deadline for Apple and the Samsung Entities to move to quash or respond to the subpoenas that Which and Qualcomm served on Apple and the Samsung Entities in connection with the 1782 Proceedings. The timing and procedures set forth in Federal Rule of Civil Procedure 45 shall otherwise apply.

DATED: March 30, 2024

Respectfully submitted

/s/ James R. Sigel

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 12 Inc. and Samsung Electronics America, Inc.*

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1 **ATTESTATION PURSUANT TO LOCAL CIVIL RULE 5-1(i)(3)**

2 Pursuant to Local Civil Rule 5-1(i)(3), I certify under penalty of perjury that concurrence in the
3 filing of this document has been obtained from the signatories above.

4 */s/James R. Sigel*

5 JAMES R. SIGEL

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1 **[PROPOSED] STIPULATED ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for Apple and the
3 Samsung Entities to move to quash or respond to the subpoenas served on them by Which and
4 Qualcomm shall be extended to April 24, 2024. The timing and procedures set forth in Federal Rule of
5 Civil Procedure 45 shall otherwise apply.

6
7 Date: _____

8 _____
9 HONORABLE EDWARD J. DAVILA
10 UNITED STATES DISTRICT JUDGE